

# TOWNSHIP OF MIDDLETOWN

Planning Board  
One Kings Highway  
Middletown, NJ 07748-2504

DAVID MERCES  
Chairman



Organized December 14, 1667  
"Pride in Middletown"

AMY H. SARRINIKOLAOU, P.P., A.I.C.P.  
Director of Planning

ERIN URIARTE  
Planning Board Secretary

Tel: (732) 615-2102  
Fax: (732) 615-2103

## PLANNING BOARD MEETING MINUTES JULY 7, 2021

A Regular Meeting of the Planning Board of the Township of Middletown was held in the main meeting room at Town Hall, One Kings Highway, Middletown, New Jersey, at 6:30 P.M. on July 7, 2021.

Vice Chairman Rathjen read a statement to advise the notice requirements provided for the Open Public Meetings Act have been satisfied. Pursuant to the Open Public Meetings Act and Laws of 1975, the public has been notified that the Planning Board will meet on July 7, 2021 in Town Hall.

The Middletown Planning Board published notice in the Two River Times indicating the return to in-person meetings on June 10, 2021. The Board also notified the Independent and the Star Ledger of the change on June 18, 2021. Notice of the meeting was originally filed with the Township Clerk and posted in Town Hall on January 25, 2021. Notice of the meeting change was filed with the Township Clerk and posted in Town Hall on June 3, 2021.

All notification for this meeting was given pursuant to the Open Public Meetings Act at least 48 hours prior to this meeting.

Roll call was taken with the following members present: Vice-Chairman Rathjen, Committeeman Settembrino, Mr. Berson (arrived at 6:36 pm), Mr. Rentschler, Mr. Colangelo, Mr. Schwiezer, Ms. Eteson, Mr. Banasiak

Also present: James Gorman, Board Attorney; Robert Keady, PE, Board Engineer; Amy H. Sarrinikolaou, Director of Planning; Erin Uriarte, Board Secretary

A salute to the flag followed.

The Board Secretary read the agenda, noting the following applications that will not be heard:

**#2020-401, NRZ Realty, Block 828, Lot 9.02, Mary Ellen Way, Application for Major Subdivision Approval with Variances** – THIS APPLICATION WILL NOT BE HEARD & IS BEING CARRIED TO AUGUST 4, 2021

**#2020-105, Accurate Builders, Block 615, Lot 94, 1287 Highway 35, Application for Minor Subdivision Approval with Variances** – THIS APPLICATION IS BEING WITHDRAWN

Vice-Chairman Rathjen referred to a letter he received from Former Mayor Scharffenberger commending the Board for taking action to preserve the Township's older homes and asked that the Historic Committee be a part of the review process for older homes. He explained that Assemblyman Scharffenberger is an archeologist and is interested in saving some of the older homes in the area.

With that said, Mr. Rathjen noted that there was a portion of the RJJ decision that was not entirely clear. He would like to go on the record to ask the applicant's attorney if they would be okay with keeping the

### Many Neighborhoods. One Middletown!

Belford ◦ Chapel Hill ◦ Fairview ◦ Harmony ◦ Leonardo ◦ Lincroft ◦ Locust ◦ Middletown Village  
Monmouth Hills ◦ Navesink ◦ New Monmouth ◦ North Middletown ◦ Nut Swamp ◦ Oak Hill ◦ Port Monmouth ◦ River Plaza

existing driveway if they keep the old home; any new home would have a new driveway out to the cul-de-sac.

Mr. Gorman explained the Resolution process in that it is to memorialize the action taken at a prior meeting. Due to the virtual set up, some things had fallen through the cracks and he did his best to fill in the blanks using his notes and the Board Secretary's minutes.

A discussion was held regarding the existing driveway. Some Board members insisted on keeping the existing driveway while others felt that it was not a safe place given the other roadways and driveways that are to be constructed and are existing. Ms. Eteson felt the Kings Highway address needs to be maintained. Mr. Schwiezer recalled the conversation was to take out the existing driveway for safety reasons and stated that the address would remain Kings Highway East.

Committeeman Settembrino stated that he had reviewed the Resolution and it does not restrict ingress to the existing home. He feels the Resolution adequately reflects the conversations and determinations and he does not see how we can vary from that.

For the record, Mr. Berson arrived at 6:36 pm.

### **RESOLUTIONS**

**#2019-402, RJJ Group LLC, Block 638, Los 192 & 194, 451 Kings Highway East/630 East Road, Resolution Granting Major Subdivision Approval** – MR. SCHWIEZER OFFERED A MOTION TO ADOPT THE RESOLUTION, SECONDED BY MR. COLANGELO.

Roll Call:

Ayes: Settembrino, Rentschler, Colangelo, Schwiezer

Nays: Rathjen, Eteson

**#2020-105, Accurate Builders, Block 615, Lot 94, 1287 Highway 35, Resolution Dismissing without Prejudice** – Mr. Gorman explained the applicant has withdrawn their application and he has a Resolution prepared to close out the file.

MR. SCHWIEZER OFFERED A MOTION TO ADOPT THE RESOLUTION, SECONDED BY MR. RENTSCHLER.

Roll Call:

Ayes: Rathjen, Settembrino, Berson, Rentschler, Colangelo, Schwiezer, AmecAngelo, Eteson, Banasiak

Nays: None

### **APPROVAL OF MINUTES**

**JUNE 2, 2021** – Ms. Uriarte advised the following line was added to the minutes after the Roll Call for RJJ Group: "For the record, Mr. Banasiak was called during roll call, however due to an interruption/audio mishap, an answer was not recorded." Mr. Gorman explained that would have affected the ultimate decision of the Board had he voted either way.

Ms. Eteson referred to page 3, tenth line from the bottom and noted that there is a typo; "he" should be "she."

MR. SCHWIEZER OFFERED A MOTION TO APPROVE THE MINUTES OF JUNE 2, 2021 AS CORRECTED, SECONDED BY MR. COLANGELO. ALL PRESENT, ELIGIBLE MEMBERS VOTED IN FAVOR BY VOICE VOTE.

### **ADMINISTRATIVE MATTERS**

**Payment of Vouchers** – Mr. Rathjen advised that he has review the Payment of Vouchers, found them to be in order. Mr. Schwiezer offered a motion to approve the Payment of Vouchers for July 7, 2021. This motion was seconded by Mr. Berson. All present members voted in favor by voice vote.

**Consistency Review – Ordinance 2021-3312** – Ms. Sarrinikolaou explained that she has reviewed the Ordinance and finds it to be consistent with the Master Plan in that this type of use was never envisioned in the Master Plan. She explained that Municipalities must make a decision as to the regulations to impose for cannabis licensed businesses by August 21, 2021. Failure to act would

automatically permit all types of cannabis uses while this ordinance would prohibit the any class cannabis license within the municipality and gives the Township more time to decide if they want to opt in in the future.

COMMITTEEMAN SETTEMBRINO OFFERED A MOTION TO DEEM THE ORDINANCE CONSISTENT WITH THE MASTER PLAN, SECONDED BY MR. BANASIAK. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

### **NEW BUSINESS**

**#2021-103, Ron Werner, Block 224, Lot 32, 25 Mercer Avenue, Application for Minor Subdivision** – Mr. Gorman explained that no notice was required, as this is a fully conforming subdivision.

Ron Werner was sworn in as the property owner. He explained he purchased the property with an older, dilapidated home, which has since been demolished and rebuilt. In the meantime, they have applied for a minor subdivision to build a new home on the newly created lot. He noted the existing driveway on Illinois to remain and added that the new home will have side entry garage.

Mr. Keady noted there are no sidewalks shown on the plan and advised a sidewalk contribution would be required. Mr. Werner agreed.

Mr. Werner explained that the neighbor across the street on Illinois has requested no trees on the street, due to maintenance issues so they have proposed to place 5 street trees along Mercer Avenue. A discussion of trees took place, the Board agreed to a waiver for street trees on Illinois, with one more towards the corner of Mercer and Illinois.

Mr. Keady noted that a waiver would be required for the driveway on lot 32.02 which has a portion of the pavement within the 5 foot setback area. Mr. Werner advised he will maintain the 5 feet for the whole driveway as to avoid the waiver. The driveway will also be paved to the curb cut, as they are not installing sidewalks so a waiver for the concrete apron is also required. Mr. Werner further advised that he will file by deed.

Vice-Chairman Rathjen noted there is no public in the audience and closed the public hearing.

MR. SCHWIEZER OFFERED A MOTION TO APPROVE THE APPLICATION, SECONDED BY MR. COLANGELO.

Roll Call:

Ayes: Rathjen, Settembrino, Berson, Rentschler, Colangelo, Schwiezer, AmecAngelo, Eteson, Banasiak

Nays: None

**#2018-210, DeLa Salle Hall, Block 1063, Lot 67.01, 810 Newman Springs Road, Application for Minor Site Plan Approval** – Mr. Gorman explained this is an application for minor site plan approval, therefore no notice was required.

John Giunco, Esq. appeared on behalf of the applicant, Dela Salle Hall. Mr. Giunco advised this property is a 10 acre parcel on the Christian Brothers Academy campus for a Nursing Home Facility for the retired Brothers and Priests. The property is located along Newman Springs Road and is heavily wooded. They are before the Board to request a storage shed to store lawn and garden equipment that is currently stored on the CBA campus. Electrical service is proposed for the security cameras and lighting that is required. Mr. Schwiezer advised that a list of chemicals being stored in the garage be supplied to the fire department on a yearly basis.

Eric Wagner was sworn in and accepted as an expert Architect. Mr. Wagner explained the nursing home is located just behind the old running track and that access is through the CBA driveway. Construction of the proposed storage shed would not have any impact on parking. They will prepare a grading plan for review as a condition of approval, prior to applying for Building permits. He added that a concrete

apron will be constructed to Township requirements. A colored rendering of the elevation was marked as Exhibit A-1. The building will be shifted to comply with the comments in Mr. Keady's review letter. A concrete walkway is proposed around the building but no water service is proposed.

Ms. Eteson stated that the walkway may not accommodate large items. Mr. Wagner explained the walkway is four feet wide and should accommodate most equipment, but if necessary they have the main garage door in the front. Ms. Eteson expressed concern with equipment needing to be charged. Mr. Giunco advised they will add outlets installed inside the garage.

Mr. Wagner explained the materials to be used to construct the garage, noting that they will be using vinyl siding in an off-white color.

Mr. AmecAngelo indicated concern with newer, larger trucks being able to fit in the 18 foot space. Mr. Wagner feels the space is adequate for their needs.

Vice-Chairman Rathjen referred to the added impervious surface and asked if there is a need for drywells. Mr. Keady suggested drywells could be installed as a condition of any favorable action.

Mr. Giunco added that the applicant is asking for a waiver from the tree requirement due to the fact that the site is already heavily wooded. Mr. Keady referred to the planting strips along the garage and asked that a tree be planted every five feet within that proposed landscaped area. The applicant agreed.

Vice-Chairman Rathjen noted there is no public present and closed the public hearing.

MR. SCHWIEZER OFFERED A MOTION TO APPROVE THE APPLICATION WITH THE REQUESTED WAIVERS AND ADDED THE FOLLOWING CONDITIONS: PREPARATION OF A GRADING PLAN FOR REVIEW AND APPROVAL OF THE TOWNSHIP ENGINEER, ADJUST THE CONCRETE APRON TO 18 FEET, DRYWELLS TO BE INSTALLED AND NOTIFICATION TO THE FIRE DEPARTMENT ON A YEARLY BASIS OF ANY CHEMICALS TO BE STORED. THIS MOTION WAS SECONDED BY MR. AMECANGELO.

Roll Call:

Ayes: Rathjen, Settembrino, Berson, Rentschler, Colangelo, Schwiezer, AmecAngelo, Eteson, Banasiak

Nays: None

**OLD BUSINESS**

None

**ADJOURNMENT**

MR. SCHWIEZER OFFERED A MOTION TO ADJOURN THE MEETING AT 7:55 PM, SECONDED BY MR. BERSON. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

Prepared by:



Erin Uriarte,  
Board Secretary